

SECTION 4.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION AND AVOIDANCE MEASURES

This EIR is based on the best information available to thoroughly evaluate the existing condition of the environmental landscape prior to the approval of the CVSP and to determine the significant impacts on the physical environment resulting from proposed urban development of the Coyote Valley Specific Plan. The preparation of the CVSP EIR is based on parcel specific field survey information limited to those properties whose owners granted the City and its consultants' permission to access.

In May 2005, the City of San José mailed forms to all property owners within Coyote Valley that are being planned for urban development. These forms requested access in order to complete various tests and surveys. Of the 286 properties notified, the City's environmental consultants were granted access to a total of 151 properties, or approximately 2,185 acres of the total 3,800 acre CVSP Development Area. No properties in the Greenbelt were formally surveyed.

Drive-by or windshield surveys were completed for some inaccessible properties. The following environmental consultants completed field surveys and site reconnaissance within the CVSP Area: 1) Wetland Research Associates (biological resources); 2) Schaaf & Wheeler (hydrology); 3) Engeo (geology); 4) Lowney Associates (hazardous materials); and 5) Basin Research Associates (cultural resources).

Properties which either did not grant access or did not respond, will be required to complete more extensive technical field survey work prior to any future development of those properties. Subsequent environmental clearance will be required when those properties apply for development and building permits. This subsequent environmental review could consist of biological surveys, hazardous material and soil tests, historic review for existing structures and surface reconnaissance for archaeological artifacts, in addition to others.

Mitigation measures for significant impacts associated with approval of the CVSP include the implementation of appropriate General Plan policies, as well as other adopted City ordinances, laws, and policies. Future CVSP development projects shall be subject to these General Plan policies, as well as standard measures to mitigate environmental impacts. Additional or modified mitigation measures may be identified based on subsequent environmental review, once specific CVSP development is proposed.

4.1 LAND USE

Introduction

Many of the policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development addressed by this EIR would be subject to the land use policies in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Balanced Community Policy #2: A variety of housing densities/types should be equitably and appropriately distributed throughout the community.*

- *Residential Land Use Policy #1:* Adequate services and facilities for residential development should be provided.
- *Residential Land Use Policy #3:* Residential densities should be distributed throughout the community.
- *Residential Land Use Policy #5:* Hazards should be mitigated in areas of residential development.
- *Residential Land Use Policy #11:* Adequate Open Space/Recreation should be provided.
- *Residential Land Use Policy #17:* Developers of large residential projects should be encouraged to address the need for child care facilities and services.
- *Residential Land Use Policy #20:* Energy efficiency should be considered in the design of residential buildings.
- *Residential Land Use Policy #22:* Development along transit corridors should be appropriately designed for pedestrian use/circulation.
- *Residential Land Use Policy #23:* Neighborhoods near transit-oriented development should be protected from conflicts with adjacent uses.
- *Residential Land Use Policy #24:* New residential development should be pedestrian friendly.
- *Commercial Land Use Policy #1:* Community access to retail/commercial services should be maximized.
- *Urban Design Policy #1:* Architectural/site design controls should be applied to new development.
- *Urban Design Policy #2:* Adequate & energy-efficient landscaping should be included in private development.
- *Urban Design Policy #3:* New development should be designed for circulation within neighborhoods.
- *Urban Design Policy #4:* Access to park & open space areas should be encouraged.
- *Urban Design Policy #6:* New structures adjacent to existing neighborhoods should be appropriately designed and located.
- *Urban Design Policy #7:* Utility lines should be placed underground.
- *Urban Design Policy #8:* Design of projects should address security, aesthetics, and public safety.
- *Urban Design Policy #13:* Development at the edge of valley floor should be appropriately designed.
- *Urban Design Policy #16:* Development adjacent to parks should be designed to maximize access, buffer areas, and views.
- *Urban Design Policy #17:* Native plant species should be planted near creeks.
- *Urban Design Policy #18:* Alternative sound attenuation measures should be considered for development along city streets.
- *Urban Design Policy #24:* New development should preserve ordinance-size and other significant trees.
- *Park and Recreation Policy #1:* Parks within walking distance of residences should be provided.
- *Hazards Policy #1:* Development should only be permitted when hazards can be mitigated to acceptable levels,
- *Earthquakes Policy #3:* New buildings should be designed and constructed to meet seismic requirements.
- *Fire Hazards Policy #3:* Development near grasslands/hillsides should be appropriately located and designed for fire protection.

In addition to the policies of the adopted General Plan, the city has adopted a number of other policies, programs, and ordinances that are designed to avoid or minimize potential land use conflicts. These include, but are not limited to the following:

- San José Zoning Ordinance
- San José Design Guidelines
- San José Grading Ordinance
- Uniform Building Code
- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)

The design guidelines include parameters for setbacks, building design, landscaping, screening, and lighting. Although the CVSP form-based zoning code has not yet been prepared, it will apply the principles of the City’s existing residential, commercial, and industrial design guidelines. All development projects are required to conform to City ordinances/codes which include limits for construction hours, dust control measures, and stormwater protection mechanisms, all of which are factors in ensuring land use compatibility.

4.1.1 Existing Setting

The Coyote Valley Specific Plan project area (“CVSP Area”) comprises a total of approximately 7,000 acres of primarily undeveloped flat land located within the Sphere of Influence of the City of San José, approximately 13 miles south of downtown. The CVSP Area is bounded by Tulare Hill and the Santa Teresa area of southern San José to the north, US 101 and the Mt. Hamilton Range to the east, the City of Morgan Hill to the south, and the Santa Cruz Mountains to the west. Highway 101, Monterey Road, and Santa Teresa Boulevard serve as the main north/south arterials, while Bailey Avenue is the main east/west aerial within the CVSP area. The regional project location is shown on Figure 1.0-1 and the project location within Santa Clara County is shown on Figure 1.0-2.

As previously described in Section 1.3, San José’s 2020 General Plan divides the Coyote Valley into three areas: 1) the North Coyote Valley Campus Industrial area; 2) the Coyote Valley Urban Reserve; and 3) the Coyote Valley Greenbelt, as shown on Figure 1.0-4. For the purposes of this project, these three areas together are described as the “CVSP Area”, although no urban development is proposed for the Coyote Valley Greenbelt in the southern portion of the valley. The portions of the CVSP Area proposed for urban development are described in this EIR as the CVSP Development Area, or the “Development Area”.

Parcel and acreage information for the entire CVSP Area is included in Table 4.1-1, below.

TABLE 4.1-1 PARCEL AND ACREAGE INFORMATION			
	North Coyote Valley	Urban Reserve	Greenbelt
Number of Parcels	42	245	381
Range of Parcel Sizes	966 sf to 1,200 acres	258 sf to 1,500 acres	100 sf to 804 acres
Total Acreage	1,700 acres	2,100 acres	3,600 acres

4.1.1.1 *Existing Land Uses within the CVSP Area*

The approximately 3,800-acre CVSP Development Area is a primarily flat rural area with both agricultural and developed land uses, as shown on Figure 1.0-3. The Hamlet of Coyote is located on both sides of Monterey Road in the northeastern portion of the Development Area and was the stage coach stop for the valley beginning in the 1850s. The Hamlet now contains residential, industrial, and commercial land uses. An elementary school is located near the intersection of Bailey Avenue and Monterey Road. The IBM Santa Teresa Laboratory facility and an SBC telecommunications service facility are located in the northwestern portion of the CVSP Development Area along Bailey Avenue.

Existing land uses within the remainder of the CVSP Development Area are primarily agricultural in nature in varying degrees of productivity, and include row and grain crops (such as safflower, pumpkins, corn, alfalfa, and peppers), sod farms, and greenhouses. Other uses within the CVSP Development Area include industrial and commercial uses and single-family residential uses scattered throughout neighborhoods located in the southern portion of the Development Area, along Scheller and Dougherty Avenues, and Lantz Drive.

Within the CVSP Development Area, Fisher Creek was rerouted from its historical location in the early 20th century and channelized to allow its use as an irrigation ditch. During the rainy season, a shallow pond forms in the North Coyote Valley area in the depression bounded by Tulare Hill and the Santa Teresa Hills, to the west of Santa Teresa Boulevard. This pond corresponds to the location of the former Laguna Seca which was reclaimed in the early 20th century for agricultural purposes. Large native ordinance-size trees, including oak trees, are located throughout the Development Area as described in Section 4.6., *Biological Resources*.

In general, the Greenbelt Area is more developed than the CVSP Development Area. The Metcalf Energy Center (electricity-generating power plant) and the Metcalf PG&E Substation are located along Monterey Road in the northeastern portion of the Greenbelt. Other uses within the Greenbelt include, but are not limited to farmland and orchards, plant nurseries, sod farms, and greenhouses, a mushroom-producing facility, the Coyote Creek Parkway (County Park), quarry ponds, some industrial uses such as trucking and landscaping companies, and single-family residential uses. The Coyote Creek Golf Course is located in the northeastern portion of the Greenbelt Area, between Coyote Creek and US 101.

4.1.1.2 *Existing Land Uses Surrounding the CVSP Area*

The CVSP Area is surrounded primarily by vacant hillsides currently used for cattle grazing. While the Santa Teresa residential neighborhoods of south San José are located north of the CVSP Area, they are not located adjacent to the CVSP Area. Tulare Hill and the Santa Teresa Hills are located between the CVSP Area and these residential neighborhoods. The Santa Cruz Mountains are located along the western boundary of the CVSP Area; a few residences are spread throughout this area primarily within the lower foothills.

Land uses to the east of the CVSP Area on the east side of US 101 include the Kirby Canyon Landfill, a small portion of the Coyote Creek Golf Course, the Santa Clara County Motorcycle and Field Sports Parks, and two County-affiliated residential care facilities (Mariposa Lodge and House on the Hill). The City of Morgan Hill is located to the south of the CVSP Area and land uses adjacent to the CVSP Area are primarily residential and public (schools) uses.

4.1.1.3 *General Plan and Zoning*

General Plan Land Use Designations

As shown on Figure 1.0-4 and described in Section 3.0, *Consistency with Adopted Policies*, the General Plan land use designation for the northern portion of the Development Area is *Coyote Valley Campus Industrial*. This designation provides for the development of industrial research and development, administration, marketing, assembly and manufacturing within a building coverage of no more than 30%. Campus industrial development should be of high quality, and sensitive to North Coyote Valley's environmental features such as the hills, views, existing trees, and agricultural history.

The General Plan land use designation for the central/southern portion of the development area is *Coyote Valley Urban Reserve*. As previously described, this designation allows only agricultural and rural residential land uses which are the existing, predominate uses in the area until it is determined that the City needs additional housing resources. The General Plan provides a vision for the preparation of a Specific Plan for the Coyote Valley and lists prerequisites for the adoption of such a Specific Plan. The vision for the Coyote Valley Urban Reserve includes the creation of a very urban, pedestrian- and transit-oriented mixed use community with a minimum of 25,000 housing units. Future development of the Urban Reserve should be considered only in conjunction with development of North Coyote Valley.

The *Coyote Valley Greenbelt* designation for the southern portion of the valley is an overlay designation that depicts the area as a permanent, non-urban buffer between San José and Morgan Hill. Allowed land uses and development standards in this area should be consistent with the base land use designations (*Agriculture*) covered by the overlay.

The CVSP Development Area is located within the Urban Growth Boundary (UGB) of the City of San José and therefore, an extension of the UGB would not be required for the proposed project. The North Coyote Valley Campus Industrial Area is located within the City's Urban Service Area; the Urban Reserve is not. Therefore, the project would require an extension of the Urban Service Area to cover the Urban Reserve Area, to allow the extension of urban services, including sewer and water. As stated in the General Plan, an expansion of the Urban Service Area into the Coyote Valley Urban Reserve should be approved only in conformance with the *Urban Reserve* land use designation, as previously described.

Zoning

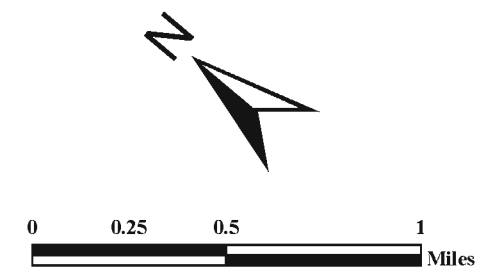
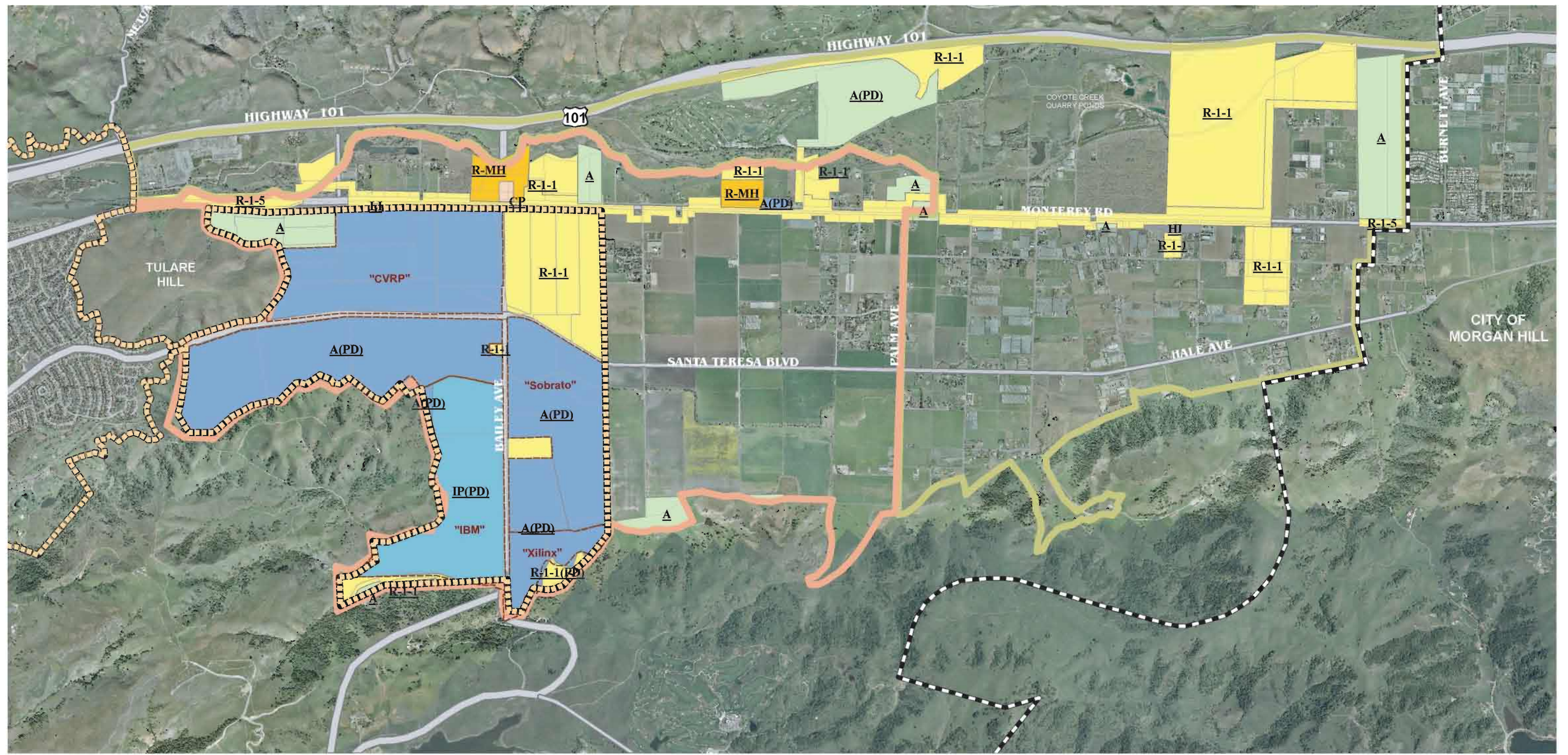
Only lands in the northern portion of the CVSP Development Area and along Monterey Road have City of San José zoning designations because these are the only properties currently located within the city limits, as shown on Figure 4.1-1. The remaining properties (primarily within the Urban Reserve) are within unincorporated County of Santa Clara and zoned "*Exclusive Agriculture*". The lands within the City of San José are zoned for (A) *Agricultural*, A (PD) *Agricultural (Planned Development)*, I (PD) *Industrial (Planned Development)*, HI – *Heavy Industrial*, CP – *Commercial Pedestrian*, R-1-1 and R-1-5 - *Single-Family Residential*, and R-MH - *Mobile Home Park*. These designations are described in Table 4.1-2, below.

TABLE 4.1-2 EXISTING CITY OF SAN JOSÉ ZONING DESIGNATIONS	
A(PD) - Agricultural (Planned Development)	An A(PD) district is individually designed to meet the needs of the territory so zoned. A General Development Plan with specific drawings and text must be prepared for lands with the PD designation and development of the property can only occur pursuant to an effective PD Permit issued in strict conformity with the adopted General Development Plan, or alternatively, in accordance with requirements for the base district if one exists.
I(PD) - Industrial (Planned Development)	This designation allowed for the construction of the existing IBM facility as well as recreational uses.
R-1-1 - Single-Family Residential	The R-1-1 designation allows single-family residential uses at a density of one to eight dwelling units per acre with a minimum lot size of one acre.
R-1-5 - Single-Family Residential	The R-1-5 single-family residential designation requires a minimum lot size of 8,000 square feet.
R-MH - Residential-Mobile Home	The purpose of the R-MH designation is to reserve land for the construction, use and occupancy of mobile home development. Minimum lot size within this designation is 6,000 square feet.
CP - Commercial Pedestrian	The Commercial Pedestrian district is a district intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods.
A - Agricultural	The purpose of the A Agricultural District is to provide for areas where agricultural uses are desirable. The regulations contained in this district are intended to provide for a wide range of agricultural uses as well as implementing the goals and policies of the San José 2020 General Plan. Minimum lot area is 20 acres.
HI - Heavy Industrial	This district is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses.

The majority of the property within North Coyote Valley is zoned A(PD). This designation allows for the construction of corporate, administrative and business offices, research and development facilities, manufacturing (including indoor storage of raw materials and finished products), light assembly (manufactured components), and agriculture. Other lands south of Bailey Avenue, within the North Coyote Valley area, are similarly designated. The Coyote Creek Golf Course lands within the Greenbelt are also designated A(PD). The only property with the I(PD) designation is the IBM property, as shown on Figure 4.1-1.

Lands with the R-1-1 and R-1-5 (single-family residential), and R-MH (mobile home) zoning designations are located within the CVSP Area primarily along both sides of Monterey Road. Two large parcels are zoned for R-1 uses; one at the southwest corner of Bailey Avenue and Monterey Road (in the CVSP Development Area) and one east of Monterey Road, opposite of Live Oak Avenue (in the Greenbelt). The two properties with the R-MH designation are located on the east side of Monterey Road within the CVSP Development Area. Neither of these properties is currently developed with mobile home uses.

One parcel within the Urban Reserve is designated for Commercial Pedestrian (CP) uses. This parcel is located on the east side of Monterey Road at Bailey Avenue. Approximately two parcels in the



Note: Properties with the City of San Jose zoning designation are incorporated and represent the city limit line.

EXISTING CITY OF SAN JOSE ZONING DESIGNATIONS

FIGURE 4.1-1

Greenbelt along the west side of Monterey Road are designated for Heavy Industrial uses. Lands zoned for Agricultural uses are located along Monterey Road in both the CVSP Development Area and the Greenbelt.

As shown on Figure 4.1-1, lands within the mostly unincorporated Urban Reserve area are primarily zoned by the County of Santa Clara for *Exclusive Agriculture* and *Agricultural Ranchlands* uses. According to the County's Zoning Ordinance⁵, the purpose of the *Exclusive Agriculture* designation is to preserve and encourage the long-term viability of agriculture. This district is also intended to retain those lands which may be suitable for future urbanization in open space uses until such time as they are included within a City's Urban Service Area and public facilities and services can be economically provided, consistent with community plans and objectives. Currently, residential uses and accessory structures are permitted by right, with minimum lot sizes of 20 acres.

The purpose of the *Agricultural Ranchlands* County zoning district is intended to preserve ranching, natural resources, and the rural character of areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. Very low intensity residential, commercial, industrial, and institutional uses may also be allowed.

4.1.1.3 *Annexation*

Portions of the CVSP Development Area have been annexed to the City of San José, as shown on Figure 4.1-2. These annexations occurred primarily in the 1960s, although the most recent annexation occurred in 2001 (the Metcalf Energy Center property along Monterey Road). The North Coyote Valley area and some properties along Monterey Road and between Monterey Road and Coyote Creek have already been annexed to the City. The majority of the Urban Reserve (approximately 1,700 of the 2,100 acres) and Greenbelt areas (approximately 2,800 of the 3,600 acres) remain within Santa Clara County jurisdiction.

As previously described, the North Coyote Valley area is located within the City of San José's Urban Growth Boundary, Urban Service Area, and city limits while the Urban Reserve area is only located within the Urban Growth Boundary. As stated in the City's General Plan, Urban Service Area policies are applicable to the entire development review process, including the annexation of territory to the City. As such, implementation of Urban Service Area policies should be coordinated with the Local Agency Formation Commission (LAFCO). Annexation signifies the acceptance by the City of the responsibility to provide the wide range of necessary municipal facilities and services to the incorporated lands. Under the joint policies of the County, cities, and LAFCO dating to the early 1970's, urban development is allowed and accommodated only within the cities' Urban Service Areas.

LAFCO of Santa Clara County is currently considering the adoption of Agricultural Mitigation Policies for LAFCO proposals that would result in the conversion of prime agricultural lands to urban uses in order to ensure that LAFCO's agricultural mitigation expectations and requirements are clear to applicants, cities, special districts, and affected property owners. It is anticipated that the adoption of the proposed policies will be considered at a LAFCO public hearing in April 2007. Until such time as the policies are adopted, the following discussion applies to the CVSP project.

⁵ Chapter 2.20 Rural Base Districts, *Santa Clara County Zoning Ordinance*, May 2003.

Local Agency Formation Commission Policies Relative to Annexation/Reorganizations for Cities and Special Districts

The Local Agency Formation Commission (LAFCO) implements policies related to the efficient growth and development of urban areas and the preservation of open space and agricultural uses. LAFCO's policies regarding annexation and reorganization of cities and special districts are intended to encourage urban development within cities rather than unincorporated land before annexing fringe areas, logical and reasonable annexations and reorganizations, annexation of unincorporated islands, exchange of territory between cities to improve illogical boundary or service situations, and governmental efficiency by reducing overlaps of service provisions.

The LAFCO Commission encourages city processing of annexations and reorganizations within Urban Service Areas without LAFCO review. Pursuant to Government Code Section 56757, reorganizations within a city's urban service area may be approved by city councils without LAFCO review if the proposal meets certain conditions. Applicable LAFCO policies on annexation are outlined below:

1. LAFCO will strongly discourage city annexations of land outside Urban Service Areas until inclusion into the Urban Service Area is appropriate. However, the Commission recognizes that in some circumstances, city annexations outside Urban Service Areas will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCO will reconsider allowance of exceptions if it appears a pattern of such requests is developing.
2. Proponents must clearly demonstrate that the city or special district is capable of meeting the need for services.
3. Boundaries of proposals must be definite and certain, and split lines of assessment must be avoided wherever possible.
4. The boundaries of a proposed annexation or reorganization must not create or result in areas that are difficult to serve.
5. Pre-zoning is a requirement for city annexation. Where territory is pre-zoned agricultural, but has an urban use designation on the city's general plan, the applicant will be required to demonstrate why such an annexation is not in violation of the Cortese-Knox Local Government Reorganization Act, which requires LAFCO to: a.) Steer growth away from agricultural areas; and b.) Determine that annexation and development of land for non-agricultural purposes is not premature.
6. No subsequent change may be made to the general plan or the zoning of the annexed territory that is not in conformance to the pre-zoning designations for a period of two years after the completion of the annexation unless the city council makes a finding at a public hearing that a substantial change has occurred in the circumstances that necessitate the change.
7. All applications for annexations where pre-zoning indicates that land development could cause the number of vehicle trips per day to exceed 2,000 shall be sent by the LAFCO Executive Officer to the Congestion Management Agency with the Valley Transportation Authority, for comment as to impact on regional transportation facilities and services.

8. Where service providers other than the reorganizing agencies may be substantively impacted by a proposed reorganization, LAFCO shall request comments on the proposal from the affected service providers. Comments received will be a factor considered in reviewing the proposal.
9. Concurrent detachment of territory from special districts which will no longer provide service is a required condition of city annexation.
10. LAFCO will consider the applicable service reviews and discourage changes in organization that undermine adopted service review determinations or recommendations.

In April 2006, LAFCO Commissioners directed LAFCO staff to draft agricultural mitigation policies for LAFCO proposals that would result in the conversion of prime agricultural lands to urban uses. The objectives of the policies are to ensure that LAFCO's agricultural mitigation expectations and requirements are clear to applicants, cities, special districts, and affected property owners. The policies are intended to help guide applicants' proposals and are to be advisory only. The Draft Agricultural Mitigation Policies were circulated on August 14, 2006, and have undergone two additional revisions since the first draft was circulated. Under the draft policies, LAFCO proposals involving the conversion of prime agricultural lands are advised to provide mitigation at a minimum of a 1:1 ratio (1 acre preserved for every acre converted). As of public circulation of this DEIR, the latest version of LAFCO's Draft Agricultural Mitigation Policies was dated February 2007, and had not been approved by LAFCO Commissioners.

LAFCO's Draft Agricultural Mitigation Policies definition of prime agricultural farmlands is different from CEQA's definition of prime agricultural farmlands. LAFCO's Draft Agricultural Mitigation Policies define prime agricultural lands as defined in the Cortese Knox Hertzberg Act. The Cortese Knox Herzberg Act defines prime agricultural land as meeting any of the following:

- Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- Land that qualifies for rating 80 through 100 Storie Index Rating.
- Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.
- Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

CEQA defines prime agricultural farmland as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and is described below in Section 4.1.1.4. Acreage of all agricultural lands, including prime agricultural farmland, has been determined using CEQA's definition of agricultural lands.

4.1.1.5 *Prime Farmland*

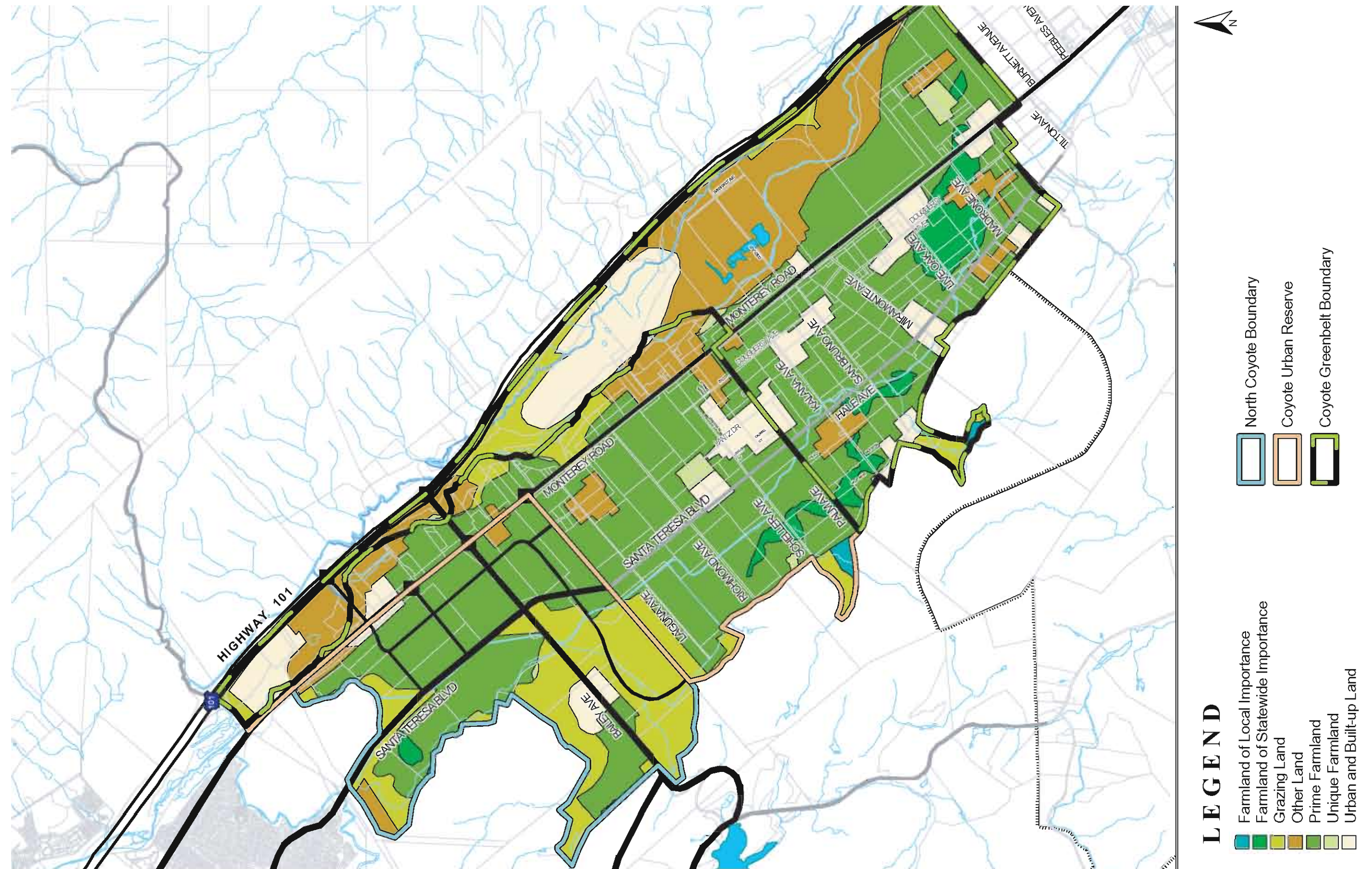
As previously described, the CVSP Area is primarily agricultural in nature. According to the U.S. Department of Agriculture,⁶ the CVSP Area consists primarily of “Prime Farmland”. As shown on Figure 4.1-3, all of the different farmland designations as defined by the State of California, are located within the CVSP Area, are summarized below.

- *Prime Farmland*: Land with the best combination of physical and chemical characteristics able to sustain long-term production of agricultural crops.
- *Farmland of Statewide Importance*: Land with a good combination of physical and chemical characteristics for agricultural production, having only minor shortcomings, such as less ability to store soil moisture, compared to prime farmland.
- *Unique Farmland*: Land of lesser quality soils used for the productions of the state’s leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards.
- *Farmland of Local Importance*: Small orchards and vineyards primarily in the foothill areas, also land cultivated as dry cropland for grains and hay.
- *Grazing Land*: Land on which the existing vegetation is suitable for grazing of livestock. The minimum mapping unit for this category is 40 acres.

Lands designated as Prime Farmland and Farmland of Statewide Importance must have been used for irrigated agricultural production at some time during the six years prior to the mapping date. Unique Farmlands must have been used for crop production at some time during the four years prior to mapping. As shown in Table 4.1-3, there are currently approximately 4,150 acres of Prime and Unique Farmland and Farmland of Local and Statewide Importance within the CVSP Area, of which approximately 2,400 are located within the CVSP Development Area and 1,750 are located in the Greenbelt. The Important Farmlands Map also includes other designations (Urban and Built-up Land, Grazing Land, and Other Land); however, these lands are not considered farmlands. It should be noted that seasonal wetlands, as described in Section 4.6, *Biological Resources*, are also located on some of the farmlands in the western portion of the CVSP Area.

TABLE 4.1-3 LANDS IN THE CVSP			
Category	Acres in CVSP Development Area	Acres in Greenbelt	Total Acres
Prime Farmland	2,270	1,501	3,771
Farmland of Statewide Importance	55	220	275
Farmland of Local Importance	17	13	30
Unique Farmland	39	36	75
Urban and Built-Up Land	206	674	880
Grazing Land	856	343	1,199
Other Land	339	962	1,300
Total	3,782	3,749	7,531
Source: U.S. Department of Agriculture, Natural Resources Conservation Service, 2004.			

⁶ U.S. Department of Conservation, Natural Resources Conservation Service, 2004.



FARMLANDS MAP

FIGURE 4.1-3

4.1.1.6 Williamson Act

The California State Legislature passed the Williamson Act in 1965 to preserve agricultural and open spaces lands by discouraging premature and unnecessary conversion to urban uses. The Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural uses. There are approximately 12 parcels within the CVSP Development Area that are under current Williamson Act contracts. It is believed that these 12 contracts, which represent approximately 215 acres, are “on-going” contracts, meaning that the property owners have not applied to be released from the contracts.

In order to withdraw properties from Williamson Act Contracts, either the non-renewal process must be initiated or the contract must be cancelled. It takes nine years to complete the non-renewal process, which can be initiated either by the property owner or the local government. Only the landowner can petition to cancel a contract. To approve a tentative contract cancellation, a county or city must make specific findings that are supported by substantial evidence. The existence of an opportunity for another use of the property is not sufficient reason for cancellation. In addition, the uneconomic character of an existing agricultural use shall not, by itself, be a sufficient reason to cancel a contract. The landowner must pay a cancellation fee equal to 12 1/2 percent of the cancellation valuation of the property.

4.1.1.7 Existing Entitlements

There are existing entitlements for urban development that have not yet been constructed within the CVSP Development Area. The currently active entitlements consist primarily of 385 acres of campus industrial development in North Coyote Valley, north of Bailey Avenue on both the east and west sides of Santa Teresa Boulevard. This project is known as the Coyote Valley Research Park or “CVRP” (City of San José Resolution No. 69957, approved October 24, 2000). Construction of the CVRP would generate a total of up to 6.6 million square feet of office/research and development/assembly and light manufacturing uses and provide for approximately 20,000 employees. The CVRP project includes flood control improvements for which Army Corps of Engineer (USACE) permits have been obtained and construction is underway. The Bailey Avenue interchange at US 101 and the bridge over Coyote Creek were constructed in anticipation of the CVRP project. Other existing entitlements are also located within North Coyote Valley. These include the existing IBM facility (approximately 2,000 jobs) and two inactive unconstructed Campus Industrial development entitlements south of Bailey Avenue. These entitlements include the Sobrato property, which is entitled for approximately 8,080 jobs, and the Apple/Xilinx property, which is entitled for approximately 4,280 jobs.

Lands within the Urban Reserve and Greenbelt with existing entitlements include generally small parcels located on both sides of Monterey Highway and include a recreational vehicle (RV) park, a single-family residence, a greenhouse, a lumber yard, accessory structures, and approximately three cellular antenna tower sites. The largest parcels in the Greenbelt with entitlements include the Coyote Creek Golf Course and Ann Sobrato High School properties.

4.1.1.8 Bailey-over-the-Hill

Implementation of the CVSP would require the construction of an extension of Bailey Avenue to the Almaden Valley (commonly known as “Bailey-over-the-Hill (BOH)”). The BOH alignment area is characterized as being an area of steep terrain and dense vegetation. Some residential and horse boarding uses are located within the area of proposed alignments for this roadway extension.

The area that the BOH roadway alignment may someday pass through is primarily designated for Agricultural and Non-urban Hillside uses in the San José 2020 General Plan. The existing BOH roadway is designated as a Rural Scenic Corridor on the Scenic Routes and Trails Diagram of the General Plan.

4.1.2 Land Use Impacts

4.1.2.1 *Thresholds of Significance*

For the purposes of this EIR, a significant land use impact will occur if the project would:

- convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use; or
- conflict with existing zoning for agricultural use, or a Williamson Act contract; or
- involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use; or
- physically divide an established community; or
- conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or
- conflict with any applicable habitat conservation plan or natural community conservation plan.

4.1.2.2 *Land Use Conflicts*

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts from the proposed project upon persons and the physical environment outside of the CVSP Development Area (from the project), and potential impacts from the project's surroundings upon the planned development itself (to the project).

4.1.2.3 *Impacts from the Project*

Land Use Compatibility with Existing Residential Uses

The CVSP Development Area is surrounded by undeveloped hillsides to the west and north and by the Greenbelt to the east and south. Land use compatibility conflicts could arise between the new development and existing development, both within the CVSP Development Area and the adjacent Greenbelt. Existing low density single-family residential land uses (approximately one home per two acres) are located within the CVSP Development Area, primarily along Lantz, Scheller, and Dougherty Drives and within the Greenbelt, along Palm Avenue.

The proposed CVSP includes the construction of low and medium density residential uses immediately adjacent to these existing homes. Within the CVSP Development Area, the existing residential parcels could be subdivided so that lower density residential uses could be constructed adjacent to these homes to provide a more gradual transition to the proposed development which would have a minimum density of 10 units to the acre. While the CVSP proposes primarily residential and park uses along the southern boundary of the CVSP Development Area along Palm Avenue, the densities of the proposed residential development would be significantly greater than the existing densities within the Greenbelt.

Constructing higher density development adjacent to low density residential uses could lead to impacts associated with traffic spillover and shade and shadow, as described below. Other impacts could also occur from increases in overall traffic and noise, which are described in detail in Section 4.2, *Transportation and Traffic*, and Section 4.3, *Noise and Vibration*.

The above-described conflicts would be mitigated through the adherence of new development proposals with the future CVSP Design Guidelines which will be based upon and no less restrictive than the intent and purpose of the existing City Design Guidelines, which include development standards such as site design, setbacks, building orientation, and buffers to minimize conflicts. At a minimum, the future CVSP design guidelines will address these issues, as well as screening, fencing, and landscaping requirements. Taken together, these regulations would ensure that the proposed project would not result in significant land use compatibility conflicts between existing and future residential uses.

Impact LU-1: The proposed CVSP has been designed to take into account existing residential land uses within the CVSP Area, including the Greenbelt. In addition, the project would be required to comply with future CVSP Design Guidelines. Therefore, the project would not result in land use compatibility conflicts between existing and future land uses. **[Less than Significant Impact]**

Land Use Compatibility with Existing Agricultural Operations

Land use compatibility impacts would result from the construction of an intense urban development adjacent to the Greenbelt which includes existing residential, industrial, and agricultural uses as previously described. Characteristics of these operations include truck and tractor traffic, the presence of dust, litter, odors, outdoor lighting, garbage and equipment storage, pollution from idling diesel truck engines, and the presence and use of hazardous materials, emergency generators, and water well pumps.

These characteristics could trigger complaints from future residents within the CVSP Development Area and subsequent limitations being placed on the existing agricultural and industrial operations in the area. For example, the use of hazardous materials, including the spraying and/or use of pesticides and fertilizers, and the plowing of fields may have to be discontinued due to liability/annoyance concerns. Limitations on the agricultural businesses adversely impact economic viability of these businesses and of the County's agricultural industry as a whole.

The proposed project would be required to comply with future CVSP Design Guidelines. These CVSP guidelines will be based upon and be no less restrictive than the intent and purpose of the existing City residential, commercial, and industrial guidelines which require that future residential development recognize the presence of potentially incompatible land uses. Site design, screening, fencing, landscaping, setbacks, and buffers shall be appropriate given existing and future land uses.

Implementation of these future CVSP Design Guidelines would reduce the likelihood that significant land use compatibility impacts would occur.

In addition, the County of Santa Clara has enacted an Agricultural Rights, Disclosure, and Dispute Resolution Ordinance (Santa Clara County Code, Division B29, Agriculture and Resource Management) that recognizes and supports the right to farm agricultural lands and permits operation of properly conducted agricultural operations within the County. Agricultural operations, as defined in the ordinance, shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. The County has established a Grievance Committee to assist in the resolution of any disputes which might arise between residents of the County regarding agricultural operations. The City of San José is not subject to the County's Agricultural Rights, Disclosure, and Dispute Resolution Ordinance but will consider the adoption of a similar complementary ordinance. The City of San José will work with the County to utilize their existing process to avoid unnecessary duplication of efforts.

Impact LU-2: Future residential uses in the CVSP Development Area could be impacted by existing industrial and agricultural uses in the adjacent Greenbelt, which could result in subsequent limitations being placed on the existing agricultural and industrial operations. These limitations on activities could adversely affect the economic viability of these businesses. Development in accordance with future CVSP Design Guidelines would reduce these impacts to a less than significant level. **[Less than Significant Impact]**

Shade and Shadow

Shade and shadow impacts occur when a structure reduces access to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. During summer, shading may even be desirable. The City of San José has typically identified significant shade and shadow impacts as occurring when a building or other structure results in a 10 percent increase in shading on public open spaces, measured at 10 a.m., 12 noon, and 2 p.m. on the first day of winter and on the two equinoxes.⁷

The tallest buildings proposed for the project would be located near the proposed lake in the central portion of the CVSP Development Area and would primarily shade uses within the CVSP Development Area. Land uses proposed along the southern boundary of the CVSP Development Area would be primarily residential and range in height from one to four stories in height (11 to 60 feet tall). Given the latitude and longitude of the CVSP Development Area, residential buildings along the southern boundary of the site would primarily cast shadows to the east and west in the summer, as the sun travels high across the sky. In the winter months, when the sun is lower in the sky, shadows would primarily be cast to the north, also only affecting uses in the CVSP Development Area. Therefore, existing residential uses to the south, within the CVSP Development Area and in the Greenbelt, would not be significantly affected by shade and shadows cast from the proposed development.

⁷ On the first day of winter (December 21), the sun is lowest in the sky and shading is greatest. On both the vernal and autumnal equinoxes, the sun is at the same location, over the equator. This threshold evaluates shading from September 21 through March 21.

Impact LU- 3: The proposed project would not result in significant shade and shadow impacts to existing land uses in the portion of the Greenbelt to the south of the CVSP Development Area. **[Less than Significant Impact]**

Proposed land uses along the eastern boundary of the site include mixed use, workplace, and residential within building heights ranging from 16 to 60 feet tall. Depending upon their final locations, these uses could cast shadows to the east in the late afternoon hours of the winter months, which could affect the Coyote Creek and the Coyote Creek Parkway. From a biological standpoint, shading the creek in the afternoon hours would help to keep water temperatures cooler, which is advantageous for anadromous fish species⁸, as discussed in greater detail in Section 4.6, *Biological Resources*. Shading public open space is considered to be an adverse effect; however, the proposed land uses would only shade portions of the Parkway for short periods of time in the late afternoon during the winter months. Some of these areas are currently shaded by tall trees located along the western side of the creek and pedestrian and bicycle users of the trail would only be on the trail for a short period of time.

Impact LU-4: The proposed project would be expected to incrementally increase shading on portions of the Coyote Creek Parkway, which is public open space. Much of the trail is already shaded by trees, however, and CVSP Development would only shade this area in the late afternoon during the winter months. Therefore, the CVSP project would not result in a significant shading impact on the Coyote Creek Parkway trail. **[Less than Significant Impact]**

Construction-Related Impacts

Implementation of the CVSP would require construction activities such as earthmoving, grading, and excavation, delivery of construction materials, and the use of heavy equipment, and other sources of noise, dust, and traffic. In addition, construction of the project is anticipated to require a substantial amount of truck and vehicle trips to and from the site during all phases of construction activities. Environmental impacts would include increased noise and dust from construction equipment, disruption of local traffic circulation, and generation of additional air pollutant emissions, especially for the residents of the Greenbelt. These impacts are discussed in more detail in Sections 4.2, *Transportation and Traffic*, 4.3, *Noise*, and 4.4, *Air Quality*.

Construction activities would impact existing residential land uses both within the CVSP Development Area and Greenbelt, as well as future residential uses within the Development Area. While construction impacts are temporary in nature and can be reduced in their severity, given the size of the project and the potential duration of construction (anticipated to occur over a 25- to 50-year timeframe), these impacts would be significant.

Impact LU-5: The proposed project would result in significant construction-related impacts to existing residential land uses, as well as future sensitive land uses as construction occurs. **[Significant Impact]**

4.1.2.4 Impacts to the Project

Implementation of the CVSP would result in the construction of a mix of workplace (including research and development uses), residential, commercial, and mixed uses on approximately 3,800

⁸ Fish that hatch rear in fresh water, migrate to the ocean (salt water) to grow and mature, and migrate back to fresh water to spawn and reproduce, such as steelhead trout and Chinook salmon.

acres within the Coyote Valley. The CVSP has been developed in such a manner as to avoid most internal land use conflicts. The densest uses would occur in the central core area, surrounding the proposed lake, with varying densities and building heights radiating from this central core. All CVSP development shall comply with the future CVSP Design Guidelines which will be based upon and no less restrictive than the intent and purpose of the existing City residential, commercial, and industrial guidelines. These CVSP Design Guidelines shall include parameters for setbacks, building design, landscaping, screening, lighting, and shade and shadow, all of which are factors that will ensure land use compatibility. Conformance with the future CVSP Design Guidelines would mitigate land use compatibility conflicts of future development in the CVSP, as previously described. Based on these facts, implementation of the CVSP would not result in significant land use compatibility conflicts within the Development Area.

Impact LU-6: Development in accordance with related CVSP policies and future CVSP Design Guidelines would reduce the likelihood that significant land use compatibility impacts would occur within the CVSP Development Area.
[Less than Significant Impact]

As previously described, the existing agricultural and industrial operations within the Greenbelt Area to the south could impact future residents in the southern portion of the CVSP Development Area. The proposed project would be required to comply with the future CVSP Design Guidelines which will require that future residential development recognize the presence of potentially incompatible land uses and that site design, setbacks, and buffers be appropriate given existing and future land uses. Implementation of the CVSP Design Guidelines would reduce the likelihood that significant land use compatibility impacts would occur due to the presence of existing agricultural and industrial operations south of the CVSP.

Impact LU-7: Development in accordance with future CVSP design guidelines would limit the likelihood that significant land use compatibility conflicts would occur between new residential uses in the southern portion of the CVSP Development Area and existing agricultural and industrial operations in the Greenbelt. **[Less than Significant Impact]**

4.1.2.5 *Loss of Open Space*

The proposed project would result in the development of approximately 3,800 acres of primarily undeveloped flat agricultural land. Although not designated as permanent open space in the City's General Plan, open space is a component of rural agricultural uses. Implementation of the proposed project would result in a significant reduction of the amount of visual open space existing in the CVSP Development Area by replacing undeveloped land with buildings, streets, parking areas, and other infrastructure.

Development would not occur within the riparian corridor of Coyote Creek (Coyote Creek County Parkway), and would not occur on the protected hillsides that are adjacent to the western and northern properties. In addition, the project includes the construction of a lake, use of the Laguna Seca area for flood control storage, an urban canal, parks, and trails adjacent to relocated and restored Fisher Creek, all of which would result in the permanent preservation of some open space within the CVSP Development Area.

Although acreage would be retained as part of the project for open space and park uses, implementation of the CVSP would result in a significant loss of open space. In addition, the change in visual character within the Valley and the region as a whole, as described in Section 4.10, *Visual*

and Aesthetics would be substantial. Views of the undeveloped, agricultural valley floor and the western foothills from Bailey Avenue, Santa Teresa Boulevard, and US 101, which is a designated Scenic Corridor in the San José 2020 General Plan, would be significantly affected by the proposed project. Therefore, it is concluded that the impact of the proposed project on open space areas would be significant.

Impact LU-8: Implementation of the CVSP would result in a significant loss of open space resources. **[Significant Impact]**

4.1.2.6 *Annexation*

The proposed project would require the annexation of approximately 1,800 acres in the central portion (Urban Reserve) of the CVSP Development Area, approximately 1,530 acres of which is located on the western side of Monterey Road. This area is located within the City of San José's Urban Growth Boundary, but is outside of its Urban Service Area. Therefore, to extend City of San José services, including water supply and sanitary sewer into this area, the Urban Service Area boundary must be expanded and it must be annexed to the City. A discussion of the project's consistency with applicable LAFCO Annexation/ Reorganization Policies is provided below. It should be noted that the act of annexing the Urban Reserve into the City would not directly result in physical environmental impacts, but it is a step in the urban development process.

The Urban Reserve is located within the City of San José's Urban Growth Boundary. While it has no existing City of San José zoning designation, the boundaries of the area are clearly defined and would not result in areas where it is difficult to provide services. The project proposes to prezone the area consistent with the CVSP land use designations in order to implement the CVSP. The proposed development project would generate new average daily trips well above LAFCO's threshold of 2,000 average daily trips for preparing a regional transportation analysis. As discussed in Section 4.2, *Transportation and Traffic*, a regional transportation analysis was prepared for the project. Further, annexation of the Urban Reserve would not create a "cherry-stem" of annexed land, pockets of unincorporated land, or areas difficult to serve.

Although the Urban Reserve is primarily agricultural, it has been designated for development in the City's General Plan since the 1980s. The General Plan includes specific triggers for the development that must be met before the CVSP can be approved or implemented. These triggers serve to protect the Urban Reserve from premature residential development by requiring a comprehensive planning process and industrial development to balance with the housing. They also protect the City from being burdened financially by the premature extension of services by requiring evidence that the citywide levels of service will not be adversely impacted. Adherence to these triggers addresses LAFCO's policies by ensuring efficient and logical development in Coyote Valley. For these reasons, the City of San José believes the proposed project to be consistent with LAFCO's policies for annexation.

Impact LU-9: The proposed project would not be inconsistent with LAFCO's policies for annexation. **[Less than Significant Impact]**

4.1.2.7 *Loss of Agricultural Land*

The proposed project would result in the loss of approximately 2,400 acres of prime farmland, farmland of local and state importance, and unique farmland, as designated on the *Santa Clara County Important Farmlands 2004* map (California Department of Conservation, 2005) and as shown on Figure 4.1-3. These properties would be converted to urbanized, non-agricultural uses as

part of the project. There are approximately 12 parcels within the CVSP Development Area that are under Williamson Act contracts. These 12 contracts, which represent approximately 215 acres, are “on-going” contracts, meaning that the property owners have not applied to be released from the contracts. Removal of these properties from their Williamson Act Contracts, while not an environmental impact, would allow for the conversion of these properties to urban uses. The impact of removing these properties from their Williamson Act Contracts is taken into account when considering the impacts associated with the loss of farmland within the Valley.

Impact LU-10: The proposed project would result in the loss of approximately 2,400 acres of prime farmland. **[Significant Impact]**

4.1.2.8 Conflicts with Land Use Plans and Policies

Section 3.0, *Consistency with Adopted Plans*, describes potential conflicts with adopted land use plans and policies, such plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. The proposed project would require amendments to the San José 2020 General Plan and adoption of the CVSP. Once the General Plan is amended and the CVSP adopted, the proposed project would not be allowed to conflict with a land use plan or policy that was adopted for the purpose of avoiding or mitigating an environmental effect.

As previously described in Section 3.0, both the County of Santa Clara and the City of Morgan Hill have goals and policies regarding the development of Coyote Valley. In addition, a joint planning effort was undertaken in 2001 by the Cities of San José and Morgan Hill and Santa Clara County to provide interim guidance for implementation of the Coyote Greenbelt, until such time as the CVSP is completed or a Greenbelt master plan is prepared via some other process.

As described in more detail in Section 4.6, *Biological Resources*, of this EIR, the City of San José, County of Santa Clara, Valley Transportation Authority, Santa Clara Valley Water District, and Cities of Gilroy and Morgan Hill, initiated a collaborative process to prepare and implement a joint Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) to promote the recovery of endangered species while accommodating planned development and infrastructure. The Local Partners, in association with regulatory wildlife agencies, including the U.S Fish and Wildlife Service, California Department of Fish and Game, and National Marine Fisheries Service, are in the process of developing a long-range plan to protect and enhance ecological diversity and functions within more than 500,000 acres of southern Santa Clara County, including the Coyote Valley Specific Plan project area.

The proposed CVSP project is considered an “Interim Project” in this effort that would be processed to ensure coordination regarding development to help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value. The Planning Agreement states that CVSP shall adequately compensate for all direct and indirect effects of the action, and will not preclude the development of a viable conservation strategy for the HCP/NCCP. Therefore, the CVSP project would be consistent with the Santa Clara County HCP/NCCP.

Impact LU-11: The proposed project would not be inconsistent with applicable land use plans and policies that were adopted for the purpose of avoiding or mitigating an environmental effect, including the San José 2020 General Plan and the HCP/NCCP. **[Less than Significant Impact]**

4.1.2.9 *Other Land Use Impacts*

The proposed project would result in the development of existing undeveloped vacant land in the City of San José. It would not physically divide an established community.

Impact LU-12: The proposed project would not physically divide an established community.
[No Impact]

4.1.3 Mitigation and Avoidance Measures for Land Use Impacts

As previously described, the policies in the City of San José's 2020 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Future CVSP development projects shall be subject to these General Plan policies, as well as the following standard measures to mitigate environmental impacts. Additional or modified mitigation measures may be identified based on subsequent environmental review, once specific development is proposed.

4.1.3.1 *Mitigation for Land Use Conflicts*

**MM LU-1.1, 2.1,
3.1, 4.1, 6.1, and
and 7.1:**

All CVSP development shall comply with future CVSP Design Guidelines which will be based upon and no less restrictive than the intent and purpose of the existing City design guidelines. These CVSP Design Guidelines shall include, at a minimum, parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

**MM LU-1.1, 2.1,
3.1, 4.1, 6.1, and
7.1:**

All new urban development shall be consistent with the CVSP and will be subject to a design review process that includes review of site planning and architecture as well as consistency with the assumptions in this EIR. Design review shall include specific review of building architecture and site design, evaluation of parking adequacy, access, landscaping, lighting, adherence to relevant standards for on-site security and amenities (trash enclosures, usable open space, tree preservation, etc.).

4.1.3.2 *Mitigation for Construction-Related Impacts*

Mitigation measures for construction impacts (Impact LU-5) are described in the appropriate sections of this EIR, including Sections 4.2, *Transportation and Traffic*, 4.3, *Noise*, 4.4, *Air Quality*, and 4.8, *Hydrology and Water Quality*.

4.1.3.3 *Mitigation for the Loss of Open Space*

While no lands designated as permanent open space in the City's General Plan will be developed by the project, the proposed project would significantly alter the open space character of the CVSP Area, which is primarily undeveloped, by developing thousands of acres of open space resources. Views from US 101 and Bailey Avenue, as well as other surrounding roadways, would be

significantly affected by the proposed project. While the protection of off-site open space lands would reduce this impact, it would not reduce the loss of open space lands in the Coyote Valley to a less than significant level. There are no other feasible mitigation measures to reduce this significant impact to a less than significant level. Because the CVSP Area is primarily undeveloped, any type of significant urban development proposed would have the potential to result in significant impacts to the open space character of the valley. Therefore, adoption of a statement of overriding considerations for this impact will be required to approve the CVSP.

4.1.3.4 *Mitigation for Loss of Agricultural Lands*

The following discussion includes references to "agricultural conservation easements". An agricultural conservation easement is a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production. The goal of an agricultural conservation easement is to maintain agricultural land in active production in perpetuity by removing the development pressures from the land. Such an easement prohibits practices which would damage or interfere with the agricultural use of the land. Because the easement is a restriction on the deed of the property, the easement remains in effect even when the land changes ownership.

Creation of New Farmlands

The following measure, if determined to be feasible, would mitigate for the loss of approximately 2,400 acres of agricultural land that would result from the proposed implementation of the CVSP; however, this measure is not currently included as part of the proposed project. If the City Council determines the measure to be feasible and requires it as a condition of approval, it would reduce significant impacts to a less than significant level. In the event the mitigation is determined to be infeasible, adoption of a statement of overriding considerations will be required to approve the CVSP.

MM LU-10.1: Mitigation for the conversion of farmland to urban uses would consist of replacing the lost farmland acreage on a one-to-one (1:1) basis in conjunction with the issuance of development permits or construction contracts. For every acre of farmland lost, new farmland would be created by converting suitable sites from non-agricultural to agricultural uses. This is analogous to the common practice of requiring the creation of new wetland habitat when existing wetland is impacted by a project.

Given the fact that most of San José is already developed with urban uses, the one location within San José's Sphere of Influence where it might be feasible to convert existing vacant, non-agricultural lands to agricultural uses is the south Coyote Greenbelt. This area, as previously described, consists of approximately 3,600 acres and is intended to be a permanent, non-urban buffer between the Cities of San José and Morgan Hill. Approximately 2,140 acres are designated by the City's General Plan for Agriculture, and approximately 818 acres are designated for Public Park/Open Space; remaining lands are designated Rural Residential, Public/Quasi-Public and Private Recreation.

This area is underlain by soils well-suited for agriculture, and most of the Greenbelt is designated as either Prime Farmland or Farmland of Statewide Importance on the *Santa Clara County Important Farmlands 2004* map (California Department of Conservation, 2005), as previously described. A substantial number of acres in the Coyote Greenbelt have been developed, some with quasi-agricultural or agriculture support uses such as greenhouses. There are also a significant number of unrelated commercial, industrial, and residential developments. As previously described, a

substantial quantity of the land designated as "Greenbelt" and planned for long-term agriculture is covered with structures, and much of it is no longer available for cultivation.

In addition to being constrained by existing development, much of the remaining vacant land has been subdivided into small parcels. Of the approximately 255 parcels zoned *Agriculture*, the average parcel size is less than five acres. Some of the parcels are individually owned; other adjacent parcels may be under common ownership. Properties of such a small size are rarely purchased for agricultural purposes. They are generally developed with residences or businesses, or are held for future urban development. It would also be unusual for new agriculture to be developed on such small parcels due to the likelihood of incompatible uses being already located nearby. Further, the likelihood for new incompatible uses to enter the area is too high to make the investment in agriculture seem viable. Even for higher-return agriculture that can viably locate on small parcels near urban areas (e.g., truck farming, specialty crops), the risk from existing or encroaching urbanization makes such sites unattractive. For these reasons, there is an inadequate amount of land within the CVSP Area to mitigate for the impacts of the CVSP project.

This area has been used for agriculture in the past. In order to create economically viable, suitable agricultural sites on property in the Greenbelt that is presently unsuitable for agriculture, the following actions could be taken:

1. Developed land could be purchased, the structures demolished, and an agricultural easement in perpetuity recorded over the property. Parcel lines that could allow individual sale of small lots would be eliminated and lots combined. The agricultural sites could then be sold to others. Verification by an agricultural economist having experience with the urban/agricultural interface shall be required to support the proposed site size. It should be noted that there would be indirect environmental impacts of creating agricultural uses, such as demolishing any structures that could be historically significant, and the use of hazardous materials and generation of noise and dust.
2. Agricultural sites of sufficient size to support viable agriculture (to be determined by an agricultural economist), including buffers, could be purchased and existing parcel lines that create smaller parcels could be eliminated and lots combined. This could require recordation of mergers, tentative maps, or other legal documents. An agricultural easement in perpetuity must be recorded over the new parcels. Verification by an agricultural economist having experience with the urban/agricultural interface would be required to support the proposed site size.
3. For new agricultural sites that are adjacent to existing residences, or residential sites that are not part of the merged or vacated properties, acknowledgments from the adjacent residential property owners of the "right to farm" on adjacent lands should be recorded.

Because not all agricultural land is equally productive, the replacement of agricultural land lost should be based on an equivalency ratio to ensure that the proposed mitigation replaces the value of the land lost. If this measure is adopted, this ratio would be determined by a qualified agricultural economist with knowledge of local agriculture and with experience regarding the urban/agricultural interface.

The creation of productive viable farmlands as mitigation that could reduce the impact of the loss of agricultural land to a less than significant level would not necessarily have to be limited to lands within San José's Sphere of Influence. Because the loss of agricultural land within the CVSP Development Area is greater than the amount of land suitable for conversion in the Greenbelt and the

loss of farmland is a regional issue, other land that has been rendered unsuitable for viable, sustainable agricultural use, which is located in south Santa Clara County and which could also be made viable agricultural land, could also serve as mitigation for impacts from this project. The City of San José has no specific knowledge of any other suitable location that could serve as mitigation, but it is acknowledged that such other locations, having characteristics similar to those of the Coyote Greenbelt, may exist.

Protection of Existing Farmlands

The protection of other existing farmland, through the use of agricultural easements or outright purchase, is not considered by the City of San José as adequate mitigation under CEQA because the net result of such actions would still be a net loss of farmland acreage. However, such actions do benefit agriculture by preventing the conversion of otherwise vulnerable farmland to non-agricultural uses. If a project that results in the loss of farmland contributes to the protection of other farmland that is in imminent danger of conversion to non-agricultural use, that fact can be taken into account when a Lead Agency adopts a statement of overriding considerations.

To qualify as mitigation, even mitigation that does not reduce the impact to a less than significant level, the City of San José could: 1) acquire land outright, record an agricultural easement that limits uses of the land to agricultural purposes in perpetuity, and then could either sell or lease the property for farming by others; or 2) negotiate with one or more property owners to allow recordation of an agricultural easement. The property that is the subject of this type of easement might or might not actually be in active cultivation at the time of easement recordation, but would need to meet the following requirements:

1. Be suitable for agricultural uses, including soil types that would meet the criteria to qualify as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland in the Farmland Mapping and Monitoring Program maintained by the California Department of Conservation, and be of a size that could viably support agricultural uses. Verification by an agricultural economist having experience with the urban/agricultural interface would be required to support the proposed site size. If the property is in multiple parcels, the parcels should either be of sufficient size to meet the criteria of agricultural viability, or the parcels should be merged.
2. The property must be at a location in Santa Clara County that would qualify it as threatened by the possibility of urban development. This could include farmland located: (1) immediately adjacent to an urban limit line, urban growth boundary, or urban service area; (2) in the path of, and reasonably proximate to, a clear pattern of recent urbanization; and/or (3) immediately adjacent to multiple (two or more) urban services (i.e., water line, sewer line, public streets).
3. The easement must be offered to the City of San José, Santa Clara County Open Space District, and/or some other agency or entity, and must limit the uses of the land to agriculture in perpetuity to the satisfaction of the Director of Planning, Building, and Code Enforcement.

As an alternative to providing individual mitigation, a project applicant may participate in an agricultural mitigation program established by the City of San José for the purpose of mitigating loss of agricultural land, should the City establish such a program in the future.⁹

4.1.4 Conclusions Regarding Land Use Impacts

- Impact LU-1:** The proposed CVSP has been designed to take into account existing residential land uses within the CVSP Area, including the Greenbelt. In addition, the project would be required to comply with the CVSP Design Guidelines. Therefore, the project would not result in land use compatibility conflicts between existing and future land uses. **[Less than Significant Impact]**
- Impact LU-2:** Future residential uses in the CVSP Development Area could be impacted by existing industrial and agricultural uses in the adjacent Greenbelt, which could adversely affect the economic viability of these businesses. Development in accordance with future CVSP design guidelines and implementation of the County's Agricultural Rights, Disclosure, and Dispute Resolution Ordinance, or similar ordinance as adopted by the City of San José, would limit the likelihood that significant land use compatibility impacts would occur. **[Less than Significant Impact]**
- Impact LU-3:** The proposed project would not result in significant shade and shadow impacts to existing land uses in the portion of the Greenbelt to the south of the CVSP Development Area. **[Less than Significant Impact]**
- Impact LU-4:** Although the proposed project would be expected to shade portions of the Coyote Creek Parkway, which is public open space, it would only shade this area in the late afternoon during the winter months, users of the trail would only be on the trail for short periods of time, and trees currently shade much of the Parkway. **[Less than Significant Impact]**
- Impact LU-5:** The proposed project would result in significant construction-related impacts to existing residential land uses, as well as future land uses as construction occurs. Implementation of standard measures would reduce construction-related transportation, noise, and air quality impacts to a less than significant level, as described in Sections 4.2, 4.3, and 4.4 of this EIR. **[Less than Significant with Mitigation Incorporated]**
- Impact LU-6:** Development in accordance with future CVSP Design Guidelines and other related CVSP policies would avoid significant land use compatibility impacts within the CVSP Development Area. **[Less than Significant Impact]**

⁹ Agricultural land mitigation programs, including in-lieu fee programs, are described in the memo from Stephen M. Haase to the Coyote Valley Specific Plan Task Force, entitled *Agricultural Land Conversion and Mitigation*, dated January 4, 2006. This memo is available for review on the internet at: http://www.sanjoseca.gov/coyotevalley/info_TF.htm.

- Impact LU-7:** Development in accordance with future CVSP Design Guidelines and other related CVSP policies would avoid significant land use compatibility conflicts between new residential uses in the southern portion of the CVSP Development Area and existing agricultural and industrial operations in the Greenbelt. **[Less than Significant Impact]**
- Impact LU-8:** Implementation of the CVSP would result in significant impacts associated with the loss of visual open space resources. No feasible mitigation measures are available to reduce this impact to a less than significant level. Therefore, adoption of a statement of overriding considerations will be required. **[Significant Unavoidable Impact]**
- Impact LU-9:** The proposed project would be consistent with existing LAFCO policies for extension of the City of San José Urban Service Area and annexation of land in the Coyote Valley Urban Reserve to the City of San José. **[Less than Significant Impact]**
- Impact LU-10:** Implementation of the CVSP would result in the loss of approximately 2,400 acres of farmland within the CVSP Development Area. This EIR describes mitigation that, if determined to be feasible, could reduce this impact to a less than significant level; however, the City is not requiring such mitigation for this project. Therefore, adoption of a statement of overriding considerations will be required. **[Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Approval]**
[Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]
- Impact LU-11:** The proposed project would not be inconsistent with applicable land use plans and policies including the San José 2020 General Plan, as proposed to be modified, and the HCP/NCCP. **[Less than Significant Impact]**
- Impact LU-12:** The proposed project would not physically divide an established community. **[No Impact]**